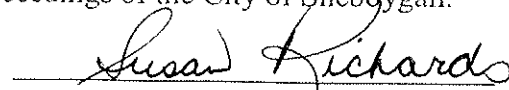



OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
CITY HALL

I hereby certify that this is a true copy of a
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proceedings of the City of Sheboygan.


City Clerk


Gen. Ord. No. 49- 11 - 12. By Alderperson Kittelson. November 21, 2011. 10 11

AN ORDINANCE amending the City of Sheboygan Municipal Code so as to create Section 26-46 relating to the registration of vacant buildings.

WHEREAS, the common council finds that a significant relationship exists between vacant buildings and increased calls for service for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods;

WHEREAS, vacant buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction of the quality of life for the surrounding neighborhood;

WHEREAS, registration, inspection and aggressive monitoring of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety;

WHEREAS, a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety;

THEREFORE, THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 26-46 of the Sheboygan Municipal Code entitled "Vacant Building Registration" is hereby created to read as follows:

"Sec. 26-46 Vacant Building Registration.

(a) Purpose. Registering of residential buildings or any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare. Residential condominium and rental units are excluded from this section provided the vacancy rate of the building in which they are situated in does not exceed 95%.

(b) Definitions. In this section:

- (1) "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

- (2) "Secured" means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components intact and unbroken.
 - (3) "Vacant" means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant. An owner occupied single family home or owner occupied 2-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.
 - (4) "Violation" means that a lawful order has been issued by the City or a department thereof and the conditions forming the basis for the order have not been fully abated.
 - (5) "Unsecured" means any building that does not meet the definition of secured.
- (c) Registration Required.
- (1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement for each such building with the department on forms provided by the building inspection department.
 - (2) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this section. This person shall reside within Sheboygan County, Wisconsin.
 - (3) The owner shall be required to renew the registration for successive 6-month periods as long as the building remains vacant.

(d) Exemptions. The following are exempt from the provisions of this section:

- (1) Property owned by governmental bodies and the housing authority.
- (2) Property that is undergoing an active renovation or rehabilitation.
- (3) A single family home or owner-occupied 2-family dwelling residential property that has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.
- (4) Residential condominium and rental units in buildings whose vacancy rate does not exceed 95%.
- (5) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides in Sheboygan County, Wisconsin.

(e) Owner Responsibilities. The owner of any building that has become vacant shall:

- (1) Enclose and secure the building as provided in subsection (f).
- (2) Maintain the building in a secure and closed condition until the building is again occupied or legally razed.
- (3) Acquire or otherwise maintain liability insurance in an amount not less than \$300,000 for buildings designed primarily for residential use and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of a building inspector.
- (4) Post and maintain a legible and weatherproof sign affixed to the building indicating the name, address and telephone number of the owner, and if applicable, the owner's authorized agent for the purpose of service of process. The

sign shall also indicate the name, address and telephone number of the person responsible for day-to-day supervision and management of the building, if the person is different from the owner holding title or authorized agent. This person shall reside in Sheboygan County, Wisconsin. The sign shall also state that no trespassing is allowed upon the premises without consent of the owner or owner's agent. The sign shall be placed on or adjacent to all entrances to the building. The sign shall be maintained until the building is no longer vacant.

(f) Minimum Requirements for Vacant Buildings.

- (1) After filing a registration statement the building owner shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with this section, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
- (2) In addition to the requirements of this chapter, vacant buildings shall comply with the following requirements:

a. Lot Maintenance.

Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following:

1. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 12 inches in height and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.
2. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with sec. 110-278 of this code.
3. Junk, rubbish, and waste, including but not limited to any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.
4. The lot shall be maintained so that water does not accumulate or stand on the ground.

5. All fences and gates shall be maintained in sound condition and in good repair.

b. Exterior Maintenance.

Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. The windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition. All points of possible ingress and egress shall be secured to prevent unauthorized entry.

c. Interior Maintenance.

1. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.
2. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.
3. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.
4. Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the building inspection department, and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.
5. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.

6. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

d. Building Security.

1. All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of sec. 26-37(a)(2)(b)(3) of this code.
2. If a building has been vacant for six months or longer, or upon any renewal of the registration statement, the building owner shall implement and provide proof satisfactory to the building inspection department that in addition to complying with the security standards of this subsection, it is secured.
3. If the owner has provided proof that a building is secured and the building is found to be in violation, the building inspection department shall send by first class mail a written notice of the violation to the person responsible for day-to-day supervision and management of the building or to the authorized agent for service of process or to the owner of record. Within thirty days of the mailing of the notice of violation, the owner shall be required to restore the building to a secured state and also install and maintain a working alarm system. The alarm system shall connect to all areas of the building subject to unauthorized human entry, including but not limited to, all exterior doors, windows or other readily accessible openings. The alarm system shall, upon detecting unauthorized entry, send an automatic signal to a licensed alarm business that has 24-hour live operators who will monitor the system and contact the building owner or designated agent.

(g) Penalties.

- (1) Failure to Register. Any property owner or entity functioning as a trustee of an owner, that fails to register a vacant building shall forfeit not less than \$500 nor more than \$2,000, together with the cost of the action,

and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.

- (2) Failure to Secure and Maintain. Any property owner or entity functioning as a trustee of an owner, having a duty to register a vacant building that fails its duty to secure and maintain the property as required in this section shall forfeit not less than \$750 nor more than \$1,500, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.

(h) Charge for Public Safety Services.

Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this section. The city shall charge the cost thereof to the owner and, upon notice to the owner, such cost shall be assessed against the real estate as a special charge. Appeal of any determination of the chief of police or fire chief imposing costs against the owner may be submitted for a hearing to the law and licensing committee of the common council. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal.

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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[Handwritten signature: Jean Kittelson]

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 5th day of December, 2011.

Dated December 8 2011. *[Signature: Susan Richards]*, City Clerk

Approved December 8 2011. *[Signature]*, Mayor

Proceedings Published December 12, 2011.

Ordinances Published December 12, 2011.

Certified December 12, 2011 to - Atty.; Ord. Book; Mun. Code Corp.;
Dir. City Dev.; DPW; Eng.; Water Ut.; Bldg. Insp.